

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

UNITED STATES OF AMERICA

VS.

JAMES ALBERT BETHEA,

Defendant

NO. 5: 07-CR-85 (CAR)

VIOLATION: Firearms Related

**ORDER OF DETENTION PENDING TRIAL**

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a DETENTION HEARING was this day held in the above-captioned case before the undersigned. The defendant was represented by Ms. Holly M. DeRosa of the Macon Bar; the United States was represented by Assistant U. S. Attorney Michael T. Solis. Based upon the evidence proffered to the court by counsel for the parties and the contents of the Pretrial Service Report dated October 16, 2007, as well as argument and comments of counsel, I conclude that the following facts require the detention of the defendant pending the trial of this case.

**PART I - FINDINGS OF FACT**

- ☐ (1) There is PROBABLE CAUSE to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act.
- ☐ under 18 U.S.C. §924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

ALTERNATIVE FINDINGS

- ☐ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

**PART II - WRITTEN STATEMENT OF REASONS FOR DETENTION**

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the evidence proffered at the DETENTION HEARING, as supplemented by information contained in the Pretrial Services Report of the U. S. Probation Office dated October 16, 2007, establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the safety of the community were defendant BETHEA to be released from custody at this time. The offense charged against defendant BETHEA is a serious one for which long-term imprisonment may be imposed in the event of a conviction after trial or a plea of guilty; his estimated guideline sentencing range is 210 to 262 months in prison. The weight of evidence is strong with a 9 mm firearm being found in his possession at a traffic stop.

Defendant BETHEA has a significant record of arrests and convictions going back to 1994. He has felony convictions which include: POSSESSION WITH INTENT TO DISTRIBUTE COCAINE BASE, 1994, Washington County, Georgia; SALE OF COCAINE, 1996, Superior Court of Washington County, Georgia; AGGRAVATED ASSAULT, 1998, Superior Court of Washington County, Georgia; and, SALE OF MARIJUANA, 2000, Superior Court of Washington County, Georgia. He also has a history of revocation of parole in 1999. In addition, subsequent to his arrest by state authorities in July of 2006 on charges which form the basis for this federal prosecution and his release on bond for that offense, defendant BETHEA was arrested in September of 2007 on felony drug charges in Baldwin County, Georgia for which he posted a \$75,000 property bond. In short, defendant BETHEA has a pattern of criminal behavior going back some 13 years.

For the foregoing reasons, and because defendant BETHEA has exhibited a propensity to involve himself in illegal activity over a 13 year period of time, pretrial detention is mandated and is **SO ORDERED AND DIRECTED**.

### **PART III - DIRECTIONS REGARDING DETENTION**

The defendant is hereby committed to the custody of the Attorney General of the United States or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant BETHEA shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility BETHEA deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

**SO ORDERED**, this 17<sup>th</sup> day of OCTOBER, 2007.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

**CLAUDE W. HICKS, JR.**  
**UNITED STATES MAGISTRATE JUDGE**